

EXHIBIT A

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

York

County

Friday, March 20, 2015 2:03 PM

2015-SU-000933-88

2015 MAR 20

OFFICE OF PROthonary

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:
Mary G. Bair

Lead Defendant's Name:
Baratz Dental, LLC

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☐ within arbitration limits
☒ outside arbitration limits

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Amanda Snoke Dubbs

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute: Discrimination
☒ Employment Dispute: Other
 FLSA, PWPCA, PHRC

☐ Other:

CIVIL APPEALS

- ☐ Administrative Agency
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

☐ Zoning Board
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
CIVIL DIVISION

Mary G. . Bair :
 :
 : Case No.
 :
 versus :
 :
 :
 Baratz Dental, LLC, Scott Baratz, and :
 :
 Lesley Baratz :

NOTICE TO DEFEND
 Pursuant to PA RCP No. 1018.1

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE OF THE
 YORK COUNTY BAR ASSOCIATION
 YORK COUNTY BAR CENTER
 137 EAST MARKET STREET
 YORK, PENNSYLVANIA 17401
 TELEPHONE: (717) 854-8755

JUDICIAL CENTER
 YORK, PA

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OFFICE OF PROTHONOTARY

Effective September 1, 2003 Complaint

EN LA CORTE DE ALEGATOS COMÚN DEL CONDADO DE YORK, PENNSYLVANIA
DIVISIÓN CIVIL

AVISO PARA DEFENDER

Conforme a PA RCP Núm. 1018.1

USTED HA SIDO DEMANDADO/A EN LA CORTE. Si usted desea defender contra la demanda puestas en las siguientes páginas, usted tienen que tomar acción dentro veinte (20) días después que esta Demanda y Aviso es servido, con entrando por escrito una apariencia personalmente o por un abogado y archivando por escrito con la Corte sus defensas o objeciones a las demandas puestas en esta contra usted. Usted es advertido que si falla de hacerlo el caso puede proceder sin usted y un juzgamiento puede ser entrado contra usted por la Corte sin más aviso por cualquier dinero reclamado en la Demanda o por cualquier otro reclamo o alivio solicitado por Demandante. Usted puede perder dinero o propiedad o otros derechos importante para usted.

USTED DEBE LLEVAR ÉSTE PAPEL A SU ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO, VAYA O LLAME POR TELÉFONO LA OFICINA FIJADA AQUÍ ABAJO. ESTA OFICINA PUEDE PROVEERÉ CON INFORMACIÓN DE CÓMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGARLE A UN ABOGADO, ÉSTA OFICINA PUEDE PROVEERÉ INFORMACIÓN ACERCA AGENCIAS QUE PUEDAN OFRECER SERVICIOS LEGAL A PERSONAS ELIGIBLE AQ UN HONORARIO REDUCIDO O GRATIS.

SERVICIO DE REFERIDO A ABOGADO
 COLEGIO DE ABOGADOS DEL CONDADO DE YORK
 ABOGACÍA DEL CONDADO DE YORK
 CALLE MARKET #137 ESTE
 YORK, PENNSYLVANIA 17401
 TELÉFONO: (717) 854-8755

Effective 1 de septiembre, 2003 Queja

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

MARY G. BAIR	:	NO.
Plaintiff	:	
v.	:	JURY TRIAL DEMANDED
BARATZ DENTAL, LLC,	:	
SCOTT BARATZ, and LESLEY BARATZ	:	
Defendants	:	CIVIL ACTION - LAW

COMPLAINT

1. Plaintiff, Mary G. Bair, is an adult individual residing at 206 Honeysuckle Court, Hanover, Pennsylvania, 17331.
2. Defendant Baratz Dental, LLC, is believed to be a Pennsylvania Limited Liability Company with a registered address of 104 Carlisle Street, Suite 2, Hanover, Pennsylvania, 17331.
3. Defendant Scott Baratz is believed to be an adult individual and to be employed by Baratz Dental, LLC at the time Plaintiff was employed.
4. Defendant Lesley Baratz is believed to be an adult individual and to be employed by Baratz Dental, LLC at the time Plaintiff was employed.
5. Plaintiff, Mary G. Bair, was employed by Defendant Baratz Dental, LLC beginning on January 18, 2010, to work as an Office Manager after the Defendant purchased the practice from Dr. Walter Maust.

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OFFICE OF THE SHERIFF
YORK PA

6. Plaintiff had worked for Dr. Walter Maust since May 17, 1976, in the same position as she was hired by the Defendant.
7. Plaintiff's hourly rate was \$26.00 per hour.
8. On or about Sunday, January 12, 2014, at 6:59 a.m., Plaintiff was fired from her position with Defendant by text message. (See attached Exhibit A)

Count I
Fair Labor Standards Act

9. Paragraphs 1-8 of the complaint are hereby incorporated by reference, as set forth in full herein.
10. Plaintiff was paid on an hourly basis by Defendant.
11. During the time that Plaintiff was employed by the Defendants as the Front Desk Office Manager, she was subjected to numerous email messages and text messages from her employer on non-scheduled work days, which required her timely response.
12. Defendant did not supply Plaintiff's computer, internet connection, or email account in which they sent these messages.
13. Defendant did not supply Plaintiff's telephone or pay her wireless bill.
14. Plaintiff requested that Defendant not email her or text her during her non-working hours.
15. Defendant refused to end these repeated communications with the Plaintiff during her non-working hours.
16. Plaintiff was not paid for any time associated with responding to these email messages and text messages.
17. It is believed that Defendant willfully violated the Federal Labor Standards Act for not paying Plaintiff for the hours worked associated with these email messages and text messages.
18. It is believed that Defendants had a reckless disregard for whether their conduct was prohibited by the Fair Labor Standards Act.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor and against the Defendants, in an amount not in excess of fifty thousand dollars, together with interest, costs, and attorney's fees.

Count II
Pennsylvania Wage Payment & Collection Act

19. Paragraphs 1-18 of the complaint are hereby incorporated by reference, as set forth in full herein.
20. In accordance with Plaintiff's pay stub dated December 27, 2013 – January 2, 2014, Plaintiff had earned 96.00 hours of vacation.
21. At the time of Plaintiff's termination, Plaintiff still had 96.00 hours of unused, earned, vacation time.
22. At all times since the Plaintiff's termination by Defendant, and despite Plaintiff's repeated demands upon Defendant to pay the accrued paid time off due, Defendant has and continues to refuse to make payment to the Plaintiff.
23. The payment for accrued paid time off due Plaintiff by Defendants constitutes wages under the Pennsylvania Wage Payment and Collection Law, 43 Pa.C.S.A. §2601.1, and the action of the Defendants constitute a violations of the Pennsylvania Wage Payment and Collection Law.
24. In addition to the value of accrued paid time off benefits and in accordance with 43 Pa.C.S.A. §260.10, Plaintiff is entitled to liquidated damages in an amount equal to twenty-five percent of the wages due, or five hundred dollars, which ever is greater.

25. In accordance with 43 Pa.C.S.A. §260.9 (a)(f), Plaintiff is entitled to attorney's fees associated with this action.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor and against the Defendants, in an amount not in excess of fifty thousand dollars, together with interest, costs, and attorney's fees.

Count III Wrongful Termination

26. Paragraphs 1-25 are hereby incorporated by reference as if set forth in full herein.

27. In this position, Plaintiff's responsibilities were unclear as there was no job description detailing the expectations of Plaintiff in her role of Front Desk Office Manager.

28. At all times material to this Complaint, Plaintiff worked for Defendant in a loyal, efficient, and highly capable manner.

29. On or around January 2014, Plaintiff received an extra bonus from Defendant and accolades for all her hardwork.

30. Hereafter, Plaintiff continued to work for Defendant in a loyal, efficient, and highly capable manner.

31. On Saturday, January 11, 2014, Complainant was terminated twenty hours after receiving a text from Defendant Scott Baratz regarding a text message conversation he had with another employee.

32. On Saturday, January 11, 2014, Defendant Scott Baratz sent Plaintiff the text message conversation he had with another employee, as her role as Front Desk Office Manager. Subsequently, Plaintiff provided her opinion as previously done when other employees were terminated.

33. Defendant posted Plaintiff's position on Craig's List on January 11, 2014, at 5:55 p.m.

34. Plaintiff was terminated at 6:59 a.m. on Sunday, January 12, 2014.

35. Plaintiff's opinion after being consulted by the Defendant in her role as Front Desk Office Manager was why Plaintiff was wrongfully terminated.

36. As a direct result of the actions of Defendants, Plaintiff has suffered serious and continuing injury, including but not limited to loss of income and benefits, damage to her reputation, and emotional pain and suffering.

37. The actions of Defendants were willful and malicious, and were undertaken for the purpose of depriving Plaintiff of his constitutionally protected rights, as well as for the purpose of causing injury and emotional anguish to Plaintiff.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in her favor and against Defendant in a sum in excess of fifty thousand dollars, together with punitive damages for a sum in excess of fifty thousand dollars, as well as costs, interest, and attorney's fees.

Count IV
Pennsylvania Human Relations Act
Discrimination Based on Age

38. Paragraphs 1-37 are hereby incorporated by reference as if set forth in full herein.

39. Plaintiff is a citizen of the Commonwealth of Pennsylvania.

40. At all times relevant hereto, Defendant has been in the business of providing dental services.

41. Defendant on information and belief employed four or more person when the unlawful conduct alleged in this complaint occurred.

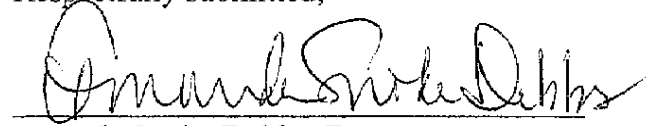
42. Since that time, and until Plaintiff's employment was terminated, Plaintiff worked in a loyal and satisfactory manner, consistently performing at or above the level of her co-workers.
43. Plaintiff is in a protected age class, specifically she was 57 years of age.
44. Plaintiff was the oldest employee with the Defendant.
45. Plaintiff was provided with no details or specifics by Defendant and only received a text message terminating her employment on a non-workday.
46. Plaintiff was subsequently replaced by a younger female, Jennifer Hurley who was hired to fulfill Plaintiff's job duties when Plaintiff was terminated.
47. Plaintiff believes the Defendant's actions were due to her protected class since the Defendant constantly complained about Plaintiff's wage rate and subsequently, lowered the wages for this position when Jennifer Hurley was hired in her place.
48. Defendant's actions in terminating Plaintiff's employment were unjust, without privilege and solely intended to cause injury to Plaintiff.
49. As a result of the actions of Defendant, Plaintiff has sustained injury in the form of lost wages, loss of employment opportunities and serious emotional trauma and suffering.
50. Based upon the foregoing, I allege that the Defendant violated Section 5(a) of the Pennsylvania Human Relations Act 43 P.S. 951-963.
51. Plaintiff prays that the Defendant will be required to provide all appropriate remedies under §9 of the Pennsylvania Human Relations Act.

WHEREFORE, Plaintiff respectfully requests judgment against Defendant in an amount in excess of \$50,000, together with costs, interest and fees, together with injunctive relief preventing Defendant from continuing to act in a discriminatory fashion.

Date: 3/20/2015

Respectfully submitted,

By:



Amanda Snoke Dubbs, Esq.

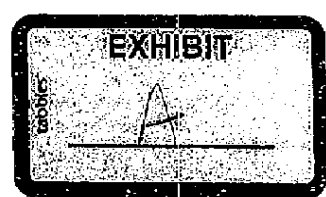
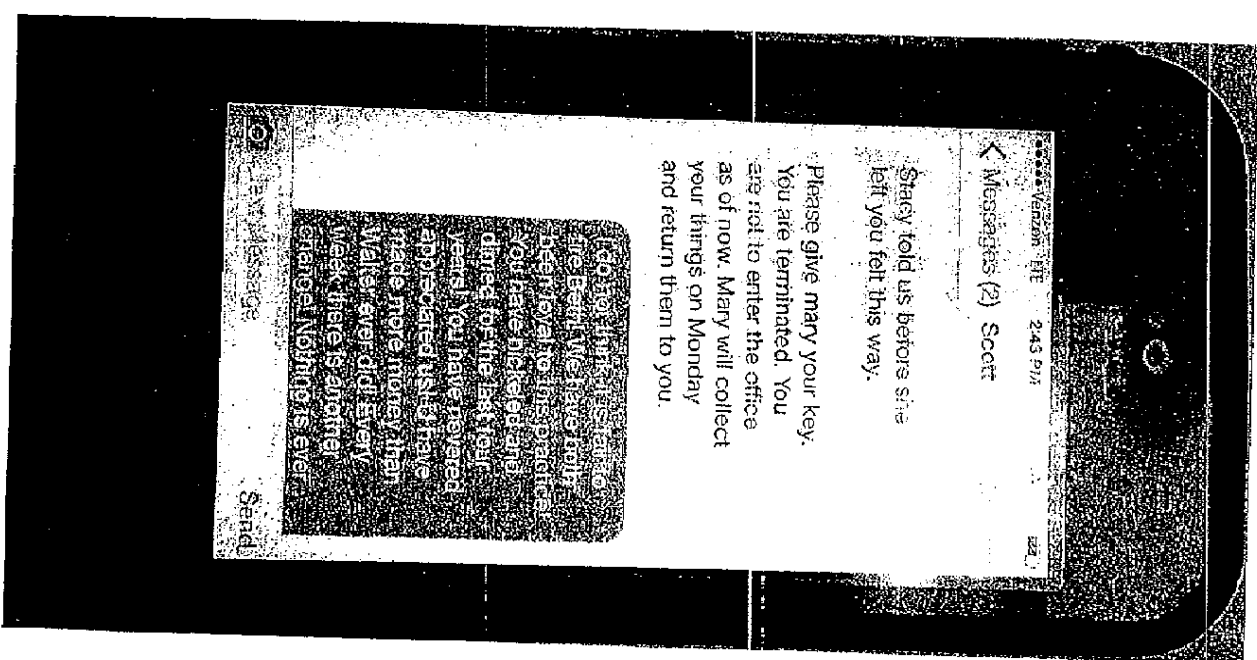
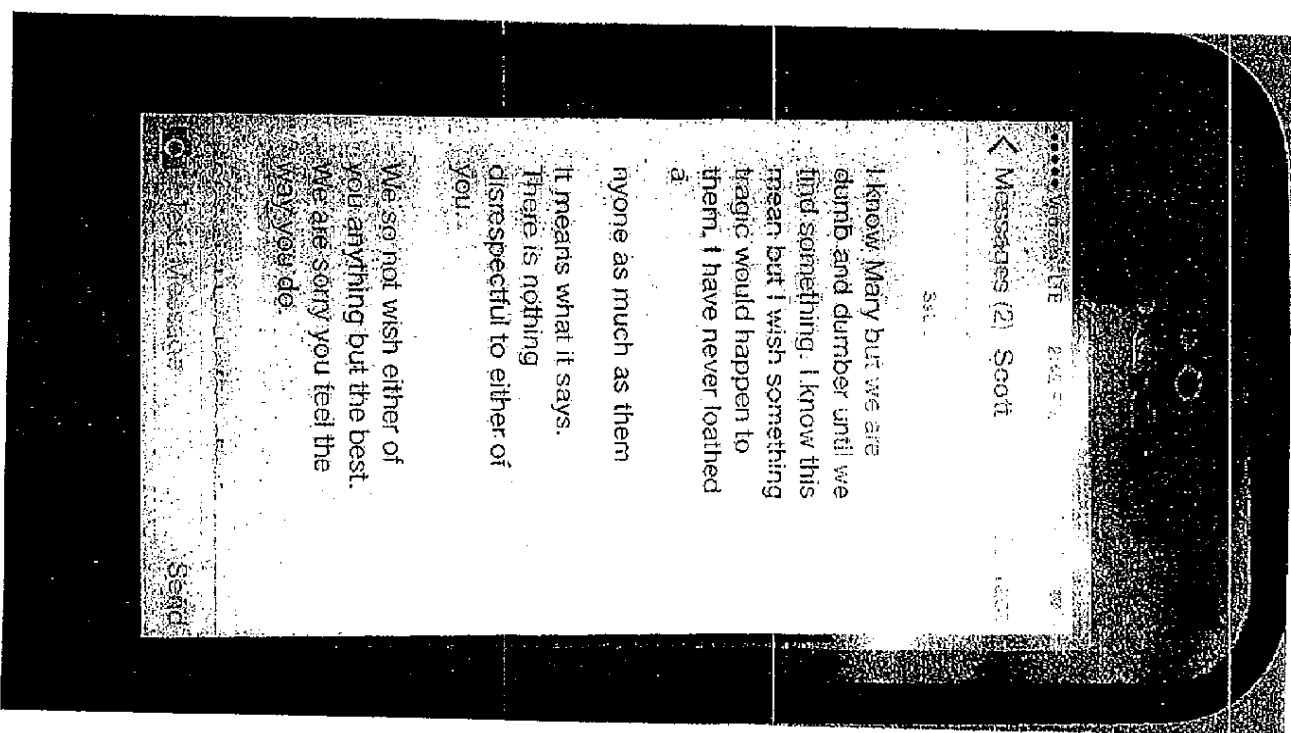
Supreme Court Id: 202254

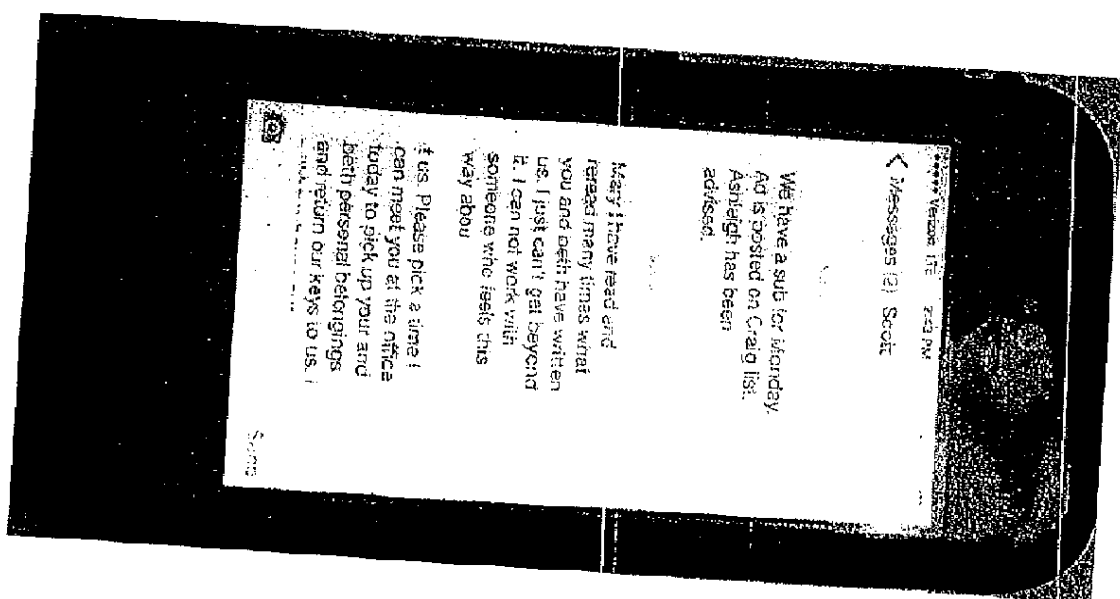
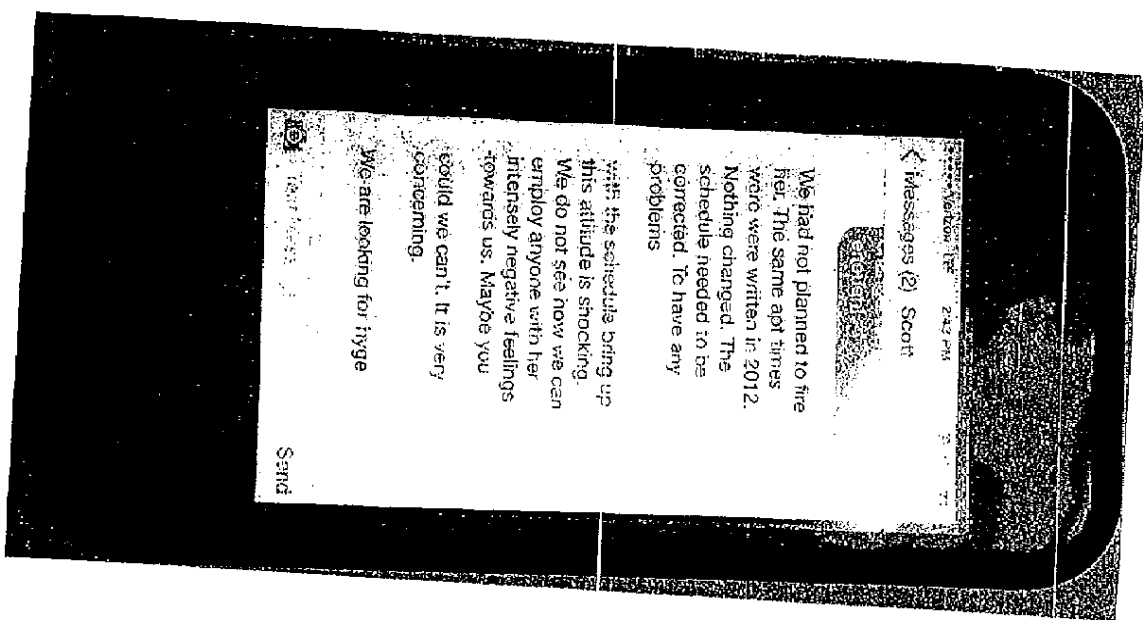
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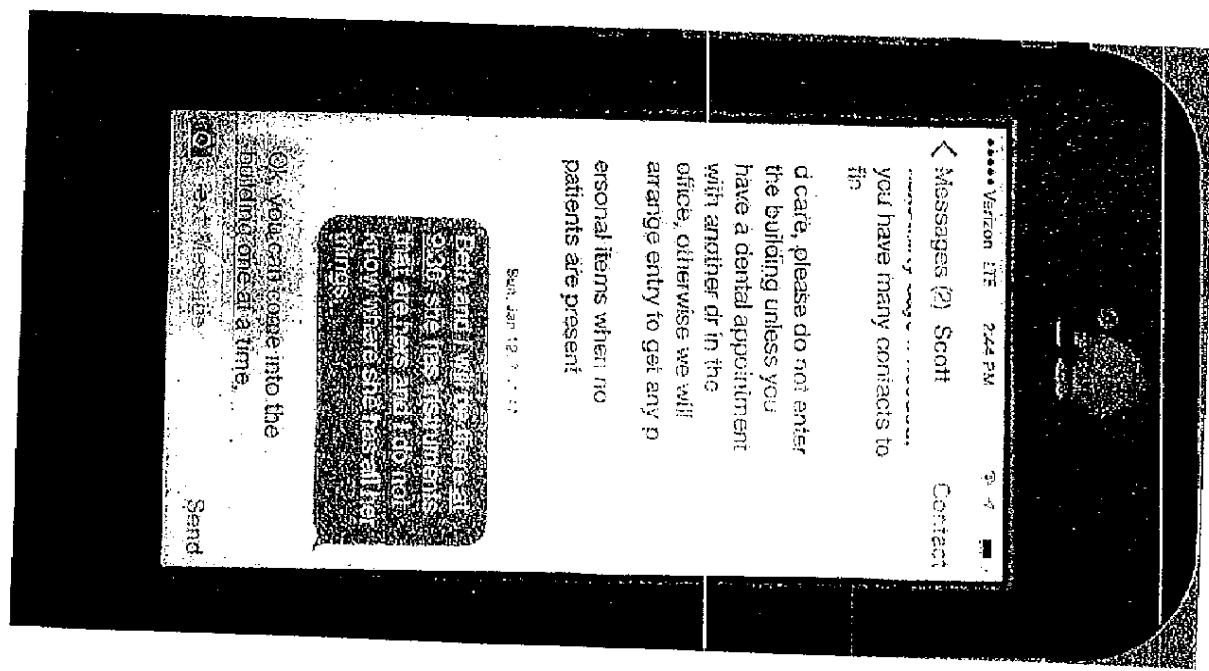
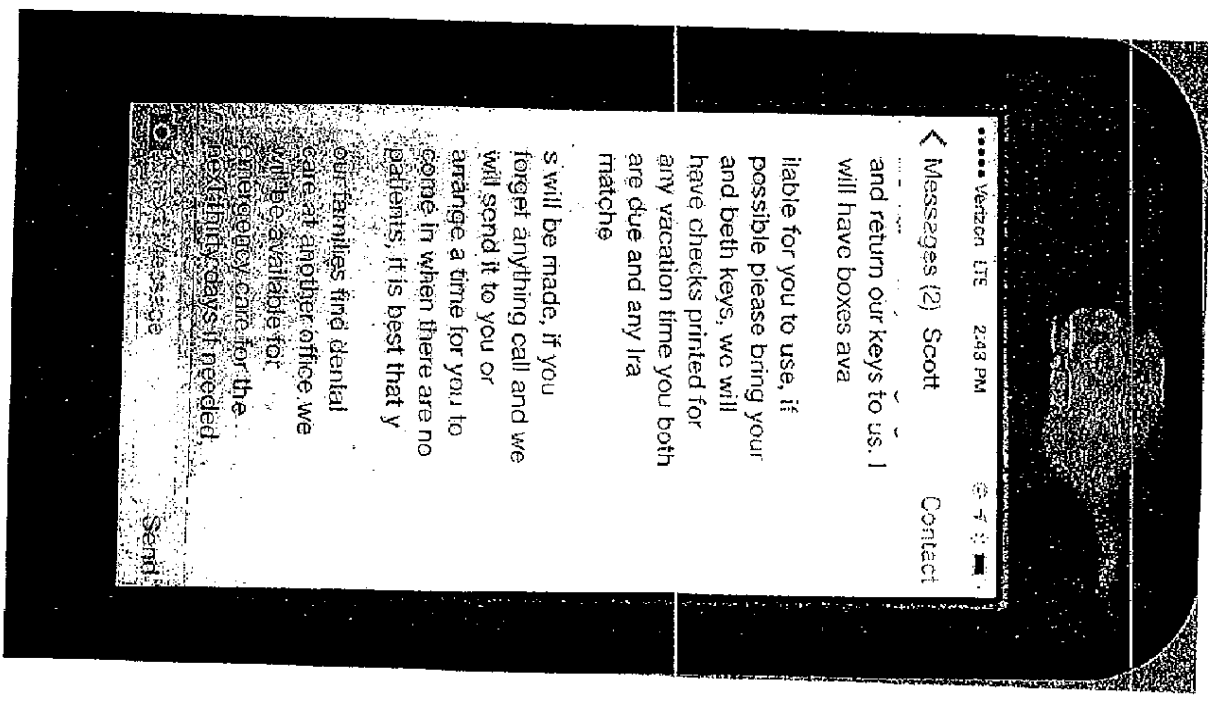
York, PA 17402

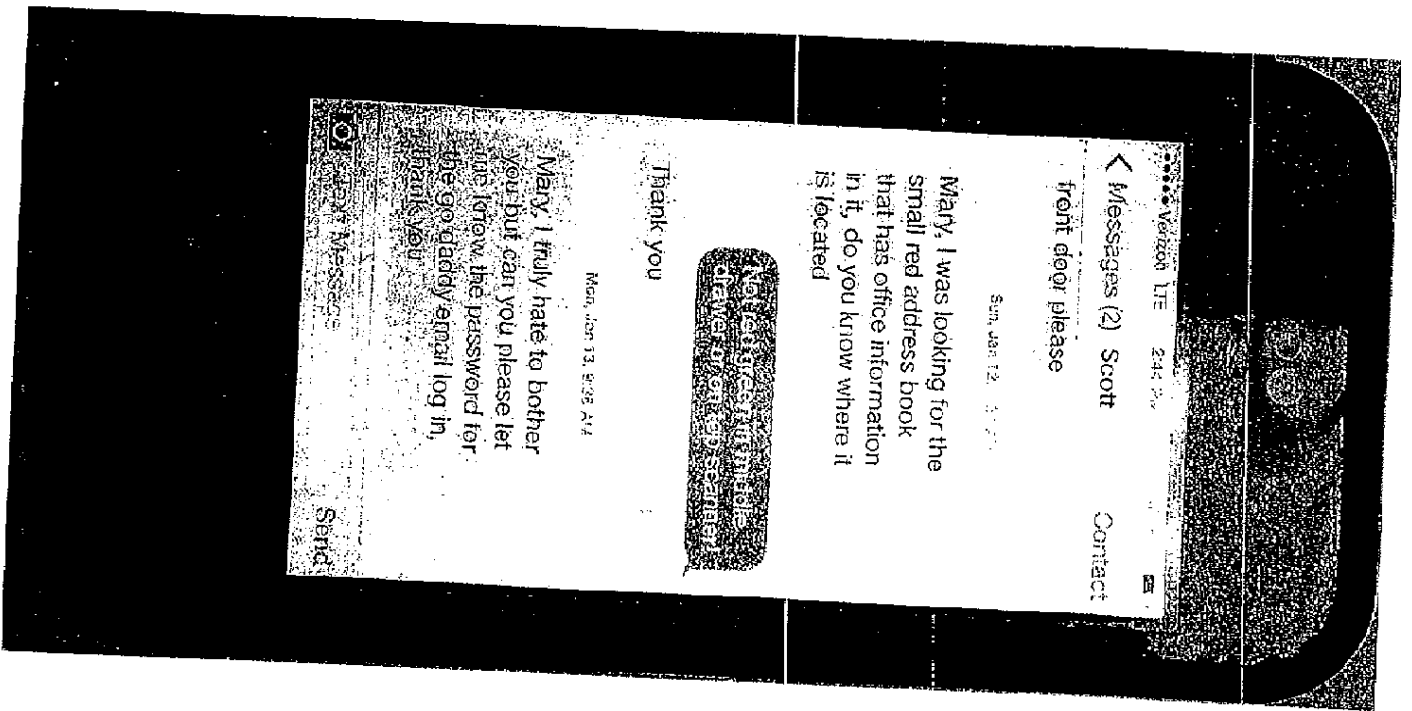
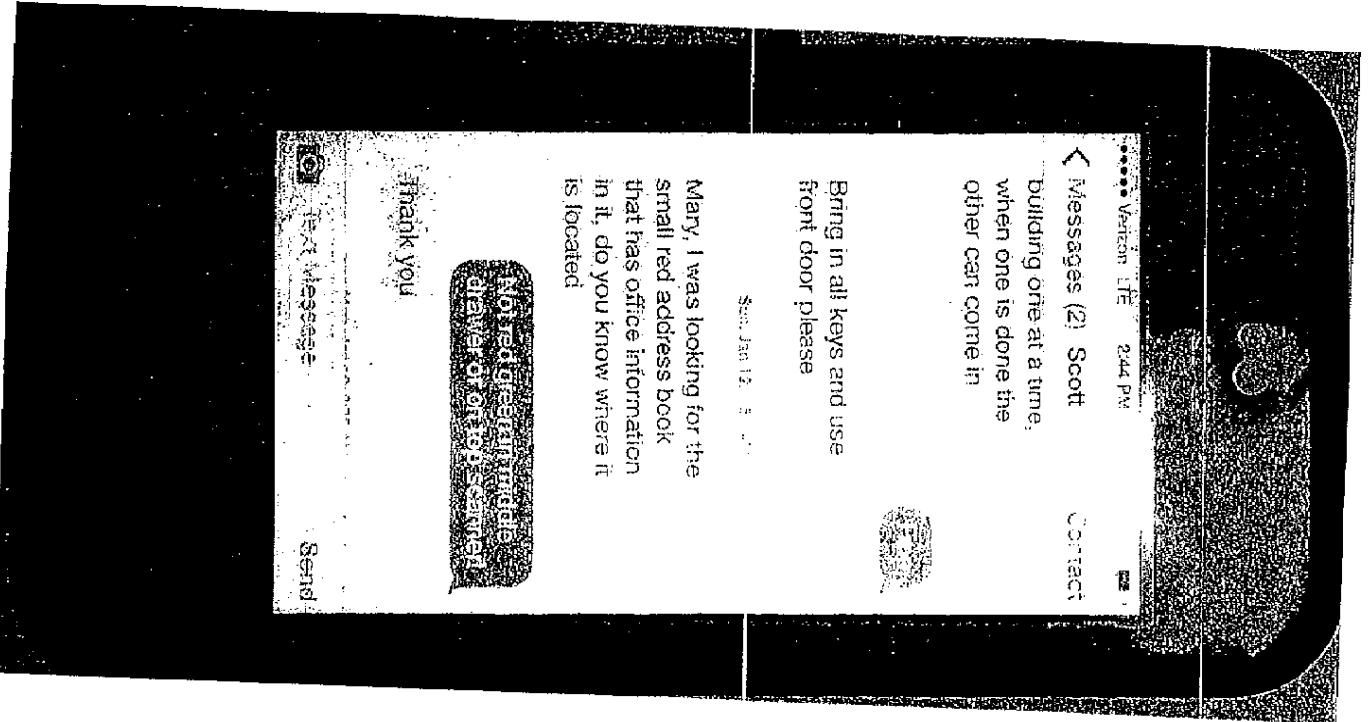
Telephone: (717)430-6730

Email: mandasnokedubbs@comcast.net





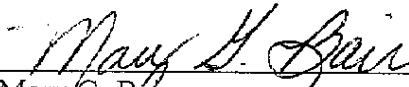




Verification

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Date: 3/20/2015



Mary G. Bair